

Message Text

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L/EA - EVERVILLE (DRAFT)
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EA/J-MR BROWN (DRAFT)
EA/PRCM - OARMSTRONG (DRAFT)
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R 242151Z DEC 74
FM SECSTATE WASHDC
TO AMEMBASSY TOKYO
USLO PEKING
INFO AMEMBASSY SEOUL
AMCONSUL HONG KONG
USMISSION USUN NEW YORK
CINCPAC HONOLULU HI
COMUSJAPAN

C O N F I D E N T I A L STATE 281358

CINCPAC FOR POLAD

E.O. 11652: GDS
TAGS: PFOR, MORG, PORG, US, JA, KS
SUBJECT: RELATIONSHIP BETWEEN UNC AND US TROOPS IN KOREA
REF: (A) TOKYO 16365; (B) PEKING 2291

1. FOLLOWING ARE RESPONSES TO QUESTIONS RAISED IN FONOFF
NOTE CONTAINED REF (A).

(A) THE STATEMENT BY THE USUN SPOKESMAN CONFORMS FULLY WITH
THE OFFICIAL VIEW OF THE USG. THE JULY 7 SECURITY COUNCIL
RESOLUTION RECOMMENDED THAT COUNTRIES CONTRIBUTING FORCES
MAKE THEM AVAILABLE TO A UNIFIED COMMAND UNDER THE
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UNITED STATES AND REQUESTS THAT THE U.S. DESIGNATE A

COMMANDER OF SUCH FORCES. THE PRESENT COMMANDER-IN-CHIEF OF THIS COMMAND IS GENERAL RICHARD STILWELL, USA. GENERAL STILWELL IS ALSO DESIGNATED BY THE USG AS COMMANDER OF U.S. FORCES IN KOREA. THE EARLIEST OFFICIAL DEFINITION OF THE STATUS OF THE U.S. FORCES IN KOREA WAS CONTAINED IN THE JOINT STATEMENT BY SECRETARY DULLES AND PRESIDENT RHEE ISSUED AUGUST 7, 1953. THE STATEMENT NOTED THAT THE U.S. FORCES ARE TO BE SUBJECT TO THE UN COMMAND UNTIL THE EFFECTIVE DATE OF THE MUTUAL DEFENSE TREATY WHICH PROVIDES FOR THEIR LEGAL STATUS THEREAFTER. QUOTE BETWEEN NOW AND THE DATE WHEN THE MUTUAL DEFENSE TREATY CAN BE EXPECTED TO COME INTO FORCE AND EFFECT, OUR ARMED FORCES IN KOREA WILL BE SUBJECT TO THE UN COMMAND ... OUR GOVERNMENTS WILL PROMPTLY NEGOTIATE AGREEMENTS TO COVER THE STATUS OF SUCH

FORCES AS THE UNITED STATES MAY ELECT TO MAINTAIN IN KOREA AFTER THE MUTUAL DEFENSE TREATY COMES INTO FORCE AND EFFECT ... IN THE MEANTIME, THE REPUBLIC OF KOREA WILL CONTINUE TO COOPERATE WITH THE UNC AND THE STATUS OF UNC FORCES IN KOREA AND THE AVAILABILITY TO THEM OF KOREAN FACILITIES AND SERVICES WILL CONTINUE AS AT PRESENT. UNQUOTE.

(B) NO. ONLY THOSE STAFF MEMBERS DIRECTLY ATTACHED TO THE CINC/UNC ARE UNDER THE CONTROL OF CINC/UNC.

(C) THERE HAVE BEEN NO INSTANCES IN WHICH U.S. FORCES (OTHER THAN THOSE REFERRED TO IN ANSWER (B)) HAVE BEEN PLACED UNDER THE OPERATIONAL CONTROL OF THE UNC.

(D) THE UNSC RESOLUTION OF JULY 7, 1950 ESTABLISHING A UNIFIED COMMAND REQUESTS THE U.S. TO PROVIDE THE UNSC WITH REPORTS AS APPROPRIATE ON THE COURSE OF ACTION TAKEN UNDER THE UNIFIED COMMAND. A NUMBER OF REPORTS HAVE AS APPROPRIATE BEEN PROVIDED TO THE UNSC IN THE PAST. THERE IS NO OBLIGATION UNDER THIS RESOLUTION, HOWEVER, TO REPORT ON THE COMPOSITION OF THE UNIFIED COMMAND OR INTERNAL COMMAND ARRANGEMENTS. AS NOTED ABOVE, THE U.S. PUBLICLY INDICATED THE CHANGE IN THE STATUS OF U.S. FORCES IN KOREA AT THE TIME THE MUTUAL DEFENSE TREATY WENT INTO CONFIDENTIAL

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EFFECT. (FYI: WE WILL ATTEMPT TO RESEARCH PAST REPORTS TO ASCERTAIN WHAT, IF ANYTHING, THEY MAY HAVE SAID ABOUT COMPOSITION OF THE UNIFIED COMMAND. END FYI).

(E) THE 1953 ARMISTICE AGREEMENT IS A MILITARY AGREEMENT BETWEEN MILITARY COMMANDERS AND NEITHER THE USG NOR THE ROKG ARE SIGNATORIES. CINC/UNC, AS SIGNATORY FOR THE NON-COMMUNIST SIDE, HAS RESPONSIBILITY UNDER ARTICLE II

PARAGRAPH 17 OF THE AGREEMENT FOR ADHERENCE TO THE ARMISTICE AGREEMENT, INCLUDING ESTABLISHING MEASURES AND PROCEDURES WITHIN ITS COMMAND NECESSARY TO INSURE COMPLIANCE WITH THE AGREEMENT. SIXTEEN UN MEMBERS, INCLUDING THE U.S., WHICH CONTRIBUTED MILITARY FORCES TO THE KOREAN ACTION ISSUED A DECLARATION ON KOREA IN WASHINGTON ON JULY 27, 1953. THIS DECLARATION EXPRESSED SUPPORT FOR THE DECISION OF CINC/UNC TO CONCLUDE AN ARMISTICE AGREEMENT AND DETERMINATION QUOTE FULLY AND FAITHFULLY UNQUOTE TO CARRY OUT THE TERMS OF THAT ARMISTICE.

2. THE UN COMMAND IS ESSENTIALLY A HEADQUARTERS ELEMENT INCLUDING AN ARMISTICE AFFAIRS DIVISION WHICH ADMINISTERS

THE UNC RESPONSIBILITIES UNDER THE ARMISTICE AGREEMENT. IN ADDITION TO THE RELATIVELY SMALL NUMBER OF AMERICAN PERSONNEL IN THE HEADQUARTERS THERE ARE 54 THIRD COUNTRY MILITARY PERSONNEL ATTACHED TO THE COMMAND.

3. A MORE DETAILED DESCRIPTION OF THE UNC'S ORGANIZATION AND FUNCTION FOLLOWS BY SEPTEL. IT MAY BE PASSED TO GOJ AND DRAWN UPON IN DISCUSSIONS IN PEKING IN ADDITION TO FOREGOING.

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